



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,959	05/10/2001	Vickie Lynn Brewer	TUC920010026US1	5329

42640 7590 06/29/2005

DILLON & YUDELL LLP  
8911 NORTH CAPITAL OF TEXAS HWY  
SUITE 2110  
AUSTIN, TX 78759

EXAMINER
----------

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,959

Applicant(s)

BREWER ET AL.

Examiner

Paul Nguyen-Ba

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Notice to Applicant*

1. This action is responsive to Applicant's Amendment and Remarks filed on 4/14/2005.
2. Claims 7-26 are currently pending. Claims 7, 15, and 22 are independent claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-11, 15-19, and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Boulter, U.S. Patent Application Publication No. 2002/0075297.

**Regarding claims 7, 15, and 22,** Boulter teaches a method, system, and computer-readable medium *for displaying status information for a machine via a web interface between said machine and a web server* (see Abstract; Background of the Invention; and para [0001]) comprising:

*maintaining status data for said machine utilizing said machine* (see para [0002-0003], [0035]);

Art Unit: 2176

*receiving a request from a user to view a web page comprising said status information*  
(see paras [0002-0008]);

*and*

*causing said web page to be displayed to said user utilizing said web server in response to said receiving (see Figs. 3 and 4; para [0017]) in order to reduce the amount of processing work required by said machine (see paras [0011-0012], [0018], [0049]) wherein said causing comprises*

*generating a new markup language file in response to a determination that said status data has been previously updated (see paras [0018], [0059] → ); and*

*transmitting said new markup language file to said user in response to said generating (see para [0017]).*

**Regarding claims 8, 9, 16, 17, and 23,** Boulter teaches *storing said markup language file for use until said status is updated* in at least one of: *hard disk drive or local cache* (see paras [0040-0041], [0049], and [0103]).

**Regarding claims 10, 11, 18, 19, 24, and 25,** please refer to the rationale relied upon to reject independent claims 7, 15, and 22 (see specifically paras [0011-0012], [0018], [0049], and [0059]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-14, 20, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter, U.S. Patent Application Publication No. 2002/0075297, in view of Paul McFedries, Windows 98 Unleashed, Chapter 33 Exploring the Web with Internet Explorer, Sams Publishing (May 1998) ("Internet Explorer").

**Regarding claims 12, 13, 20, and 26**, Boulter does not explicitly teach *said request comprises data specifying a requested (or plurality of) human language(s), and generating comprise said new markup language in only said (plurality of) requested human language(s)*.

However, Internet Explorer teaches a language preference dialog box which enables you to add one or more languages to Internet Explorer. This enables Internet Explorer to handle foreign language pages. You can also use this dialog box to set up relative priorities for the designated languages (see pg. 4, para 4).

Since Boulter and Internet Explorer are both from the same field of endeavor, the purposes disclosed by Internet Explorer would have been recognized in the pertinent art of Boulter. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Boulter with the teachings of Internet Explorer

Art Unit: 2176

to include specifying a requested (or plurality of) human language(s), and generating comprise said new markup language in only said (plurality of) requested human language(s) for the motivational purpose of designating languages in the web browser for building web pages.

**Regarding claims 14 and 21**, Boulter teaches storing said markup language file for use until said status is updated in at least one of: hard disk drive or local cache (see paras [0040-0041], [0049], and [0103]), but does not explicitly teach an *automated tape library*. However, it was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art to use an automated tape library which has been prevalent in mainframe computer centers for over 20 years for the motivational purpose of data storage protection and archiving needs.

### ***Response to Arguments***

7. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record on form PT0-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Art Unit: 2176

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

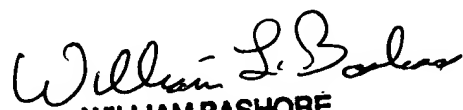
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

  
WILLIAM BASHORE  
PRIMARY EXAMINER  
6/25/2005